

DATE SEP. 17, 2004

ACTON PLANNING BOARD



Maureen M. Aulry
TOWN CLERK, ACTON
ASST.

Minutes of Meeting
August 10, 2004
Acton Memorial Library

Planning Board members Ms. Lauren Rosenzweig (Chairman), Mr. Greg Niemyski, Mr. Christopher Schaffner, Ms. Stacy Rogers, Mr. William King, Mr. Gary Sullivan (associate) and Mr. Edward Starzec (associate) were in attendance. Also present were Town Planner, Mr. Roland Bartl, and Planning Board Secretary Ms. Maura Haberman. Mr. Hart Millett was unable to attend.

Ms. Rosenzweig called the meeting to order at 7:33 p.m.

I. **Citizens Concerns:**

No Citizens were present.

II. **Consent Agenda**

Minutes of 6/22/04 were approved unanimously as written; Minutes of 7/20/04 were approved unanimously as written.

III. **Reports**

CPC: Ms. Rogers reported there is a meeting this Thursday. No updates to report at this time.

OLAC: Mr. Millett was not present to report.

MAGIC: Mr. King had contacted MAGIC for meeting dates.

EDC: Ms. Rosenzweig said there are no updates at this time as they have not met.

OTHER:

Comprehensive Water Resource Management Plan

Ms. Rogers distributed a spreadsheet summarizing prioritization of groundwater issues which were compiled from a July 15th meeting. Ms. Rosenzweig would like to have the CWRMP/groundwater and drainage issues added to the agenda for discussion at the next Planning Board meeting, September 14. Ms. Rosenzweig stressed potentially serious consequences if these needs aren't addressed.

IV. **Public Hearing: Apple Valley Homes, Inc. "Sweeney Farm Lane"**

Mr. Mark Donohoe, Acton Survey and Engineering and Mr. John Barbadoro, Apple Valley Homes, Inc., presented plans to address the Planning Board on a Definitive Subdivision entitled "Sweeney Farm Lane." There were no abutters present, however, a letter from an abutter was received via email on August 10, 2004 regarding sidewalk issues and a potential possibility of a 40B project. All abutters had been notified.

Mr. Donohoe presented to the Planning Board a revised plan where he addressed some changes that were needed to comply with the Subdivision Rules and Regulations. However, the plan that was presented to the Board was a revised plan and had not been reviewed by the Planning Department prior to this meeting.

Mr. Donohoe said that plans had been submitted to the Board of Health, and this week some minor changes will be resubmitted. He stated that the Conservation Commission has written a lot of conditions on Lot #4. The Conservation Commission had concerns with a wetlands meadow and had worked out a deed restriction so it would be mowed once per year. Mr. Donohoe informed the Board that they have responded to the Planning Department on all issues addressed by the Town. Ms. Rosenzweig suggested that at this time, questions be asked to Mr. Donohoe and Mr. Barbadoro and then have the Board review the new plans and staff comments for the next Board meeting (Sept. 14). Mr. Bartl suggested larger picture questions at this time.

Mr. Sullivan asked about proposing one road vs. two roads to Willow Street using the adjoining land. Mr. Donohoe said that this could never get completed due to the offset required by the Conservation Commission and the Board of Health. Consideration will be taken on an easement for a walking trail. This would need to get approval from the Conservation Commission. Mr. Bartl asked which of the three lines on the plan is the 75 ft. no build zone. On the plans, the lines are 50'-75'-100' lines. The wetlands lines show what is and isn't possible. Mr. Donohoe said this will stay under the town restrictions. No 40B is proposed on the adjacent parcel. Mr. Donohoe stated that Mr. Barbadoro does not want this to be a 40B, however, is still looking at a 55+ development down the road. Mr. Niemyski asked what waivers were requested. Mr. Donohoe informed the Board that there were nine waivers and the staff findings were acceptable. A discussion on the sidewalk

requirement followed. A total donation of \$12,000+/- towards the sidewalk fund would be required. Mr. Donohoe had said that they would like to hold off on the donation for two years to allow enough time for bond release funds. Mr. Barbadoro had said that trees would be replanted. A dense tree buffer will be placed for existing homes. Mr. Niemyski said that mowing issues should be addressed in the owner's covenants to cover the enforcement of mowing the land. Enforcement of such issue is not known, but the Conservation Commission is in charge of this matter. Mr. Schaffner asked in regards to Mr. Dean Charter's note impacting neighbors—buffer, is there anything other than trees? Mr. Donohoe said that a lot of the farmland had junk/trash which needed to be removed and further removal of such items is needed in the wetlands area. A buffer will be placed for the homes on Willow Street. Spruce Trees will be used for visual impact. Mr. Donohoe said that a better answer will be ready for the next Board session after he has met with Mr. Sweeney. He also noted that one lot is heavily wooded. Mr. Niemyski had addressed the town sidewalk plan regarding the funding to complete this project. The sidewalk capital plan places the Willow Street sidewalk for construction in Fiscal Year 2008. At this point, it would be up to the Board whether to ask for the funds to ask for Apple Valley to build it. Mr. Barbadoro was asked by Mr. Niemyski if the Planning Board requested, would they build the sidewalk on Willow Street? Mr. Barbadoro didn't see it to be a problem, and will take this into consideration. Mr. Schaffner noted that he did not see Energy Star specifications mentioned and that we would encourage the use of Energy Star. Ms. Rogers commented that she had a short conversation with a member of the Conservation Commission who liked the walking trail through the meadow. (The Conservation Commission member is Ms. Roger's husband.) Mr. Donohoe said such a trail would follow the edge of the woods. Mr. Bartl suggested that Apple Valley Homes work with the Conservation Commission on the easement location rather than with the Planning Board, but they show the easement on the final subdivision plan. Ms. Rogers would like to see Apple Valley construct the sidewalk on Willow Street. Mr. King would like a site visit. He questioned the state of the remaining land that is not shown within the subdivision. This ANR separates the land. Ms. Rosenzweig had questioned Lot 5's existing house for use, if possible, as deed restricted affordable housing. Mr. Barbadoro said that they have been thinking about it, but the house needs a lot of work and they haven't yet gone too deep into it. This house is approximately 3,200 sq. ft. Mr. Bartl suggested a dwelling conversion—one affordable unit and one regular unit. Mr. Donohoe said that the septic for a 5 bedroom can be done. The Board members asked what the applicant envisions if they do an over-55 in the other lot area. Their response was they are thinking a couple of duplexes, hopefully moving forward in the spring. Mr. Barbadoro stated for the record that this will not be a 40B project. A Motion was made to continue the public hearing to Sept. 14, 2004 at 8:45 p.m.: Vote 7-0

V. Quail Ridge Country Club (QRCC) Decision Amendment

Mr. Neimeski chaired this portion of the meeting as Ms. Rosenzweig had to excuse herself as a QRCC member. Mr. Bartl stated that QRCC committed they would keep their water withdrawal under the states regulatory threshold with BE7 as the primary and BE5 as a backup well. BE2 was the well that Conservation Commission was concerned about. This well is pretty much shut off. BE1 would only be used for monitoring purposes of BE5. Mr. Bartl noted to the Board that this motion clears one of the last hurdles on the way for Building Permits. A motion to amend the decision that modifies the Special Permit to have BE7 used as the primary irrigation water well and that BE5 serve only as a backup with daily monitoring when in use. MOTION: Amendment #5 of Decision 02-06 with minor correction to Paragraph 2, sentence 2—date should be Aug. 10, 2004; and change to paragraph 3.2.5 date should be Sept 16, 2003. Vote: 6-0

Discussion:

Mr. Bartl shared the sidewalk policies and informed the Board of Acton's new Public Works Director, Mr. Bruce Stamski, who is moving forward with a renewed commitment to get these sidewalks built. Acton's Highway Department can build these sidewalks and purchase the materials. Mr. Neimeski would like to have Mr. Stamski discuss ideas with the Board. Mr. Bartl will distribute the sidewalk plan to the Planning Board.

Ms. Rosenzweig had a deed question regarding Sweeney Farm Lane. What do you do to make sure upkeep is done for the roads? Mr. Bartl informed the Board that it would be an assigned responsibility among the lot owners and this is needed to protect the town from having them come for assistance. A covenant is put in the deed stating that the town will never maintain or plow this private road—or accept it as a public way. They would be in charge of maintaining it.

It was noted that the Board of Selectmen will be scheduling a fall town meeting.

The meeting adjourned at 8:47 p.m.